

## REGULAR COUNCIL MEETING JUNE 13, 2016 7:00 P.M.

The meeting was opened by announcing that this was an open meeting of the Common Council. Notice of this meeting was given to the public at least 24 hours in advance of the meeting by forwarding the complete agenda to the official City newspaper, The New Richmond News, and to all news media who have requested the same as well as posting. Copies of the complete agenda were available for inspection at the City Clerk's office. Anyone desiring information as to forthcoming meetings should contact the City Clerk's office.

Roll call was taken.

Members Present: Mayor Horne, Alderman Kittel, Ard, Jackson, Montello, and Volkert.

Members Absent: Alderman Zajkowski, Student Representatives Jesse Stenske and Victoria Johnson

The Pledge of Allegiance was recited.

Alderman Ard moved to adopt the agenda as presented, seconded by Alderman Jackson and carried.

### **Public Comment**

None

### **Consent Agenda**

1. Approval of the Minutes from the Previous Regular Council Meeting, May 9, 2016 and Special Council Meeting, May 23, 2016
2. Application for License to Serve from Alan L. Lingen, New Richmond; Jerry R. DuBois, New Richmond; Debra J. Hansen, New Richmond; Lawrence B. Gumbert, New Richmond; Dennis G. Hurtis, Glenwood City; Deborah J. Kelly, New Richmond; Ryan J. Stephens, New Richmond; Janelle S. Stephens, New Richmond; Nicolle U. Kroells, New Richmond; and Jessica G. Cudd, New Richmond
3. Application for a Run/Walk Permit from New Richmond Area Centre for September 10, 2016 at 8:00 a.m.
4. Applications for Amusement Device License from Champ's Sports Bar & Grill, Bobcat's Bar & Grill, McCabe's Shamrock Club, Wild Badger Saloon, Americinn Motel, Huey's Bar, Gibby's Inc, and Walmart
5. Applications for Cigarette License from Champ's Sports Bar & Grill, Lowrey Hotel & Café, McCabe's Shamrock Club, Family Fresh, Freedom Valu Center #17, Lumberjack Liquors, Super America, Amoco Express, Amoco Food Shop, Freedom Valu Center #83, Kwik Trip #337, New Richmond Golf Club, New Richmond Golf Club – Links, Walmart Supercenter #5432, Discount Smokes, Bobcat's Bar & Grill, and Radio Shack
6. Applications for Class B License to Sell Intoxicating Liquor and Fermented Malt Beverages from Mari Driscoll, Agent for McCabe's Shamrock Club; John S. Jerlow, Agent for Lumberjack Liquors; Linda Soifakis, Agent for Champ's Sports Bar & Grill; Robert Christenson, Agent for Bobcat's Bar & Grill; David C. Gillen, Agent for Huey's Inc; Jill Miller; Joseph Skaar, Agent for Wild Badger Saloon; Ross Johnson, Agent for New Richmond Golf Club; and Ann Wychor-Hall, Agent for Table 65

7. Applications for Reserve Class B License to Sell Intoxicating Liquor and Fermented Malt Beverages from Ross Johnson, Agent for New Richmond Golf Club – Links; James Gibson, Agent for Gibby's Inc; Dennis Hurtis, Agent for American Legion Club 80; and Francisco J. Ballina, Agent for Garibaldi's LLC
8. Applications for Class B License to Sell Fermented Malt Beverages from Steven W. Montpetit, Agent for Pete's Pizza of New Richmond, Inc; Richard J. Coleman, Agent for Old Gem, LLC; William Buell, Agent for The Space for Creativity; Robert Catlow-Price, Agent for Elements Café; Steven Meyer; and Xianyu Fu
9. Applications for Class C Wine License from William Buell, Agent for The Space for Creativity; Steven Meyer; Robert Catlow-Price, Agent for Elements Café; and Xianyu Fu
10. Applications for Class A License to Sell Intoxicating Liquor and Fermented Malt Beverages from Amy Bellomo, Agent for Kwik Trip #337; John S. Jerlow, Agent for Bob & Steve's BP Amoco Express; Jake Davis, Agent for Family Fresh; and Sara A. Krugen, Agent for Freedom Valu Center #83
11. Application for Mobile Home Park License from Arthur & Kim Miller at 1240 North Fourth Street
12. Applications for Refuse Collection Licenses from Stephens Sanitation, Waste Management, River City Disposal, Olson Sanitation, Waterman Sanitation, and Advanced Disposal Services
13. Application for Taxicab License from New Richmond Public Transit
14. Request for Extension of Premise from Garibaldi's to Include their Outdoor Seating Area
15. Skate Park Donations from the following:
  - Gibby's: \$500
  - Warner's Dock: \$500
  - Angela Olson Law: \$100
  - Ready Randy's: \$500
  - Sport N' Bike Inc: \$500
  - Wisconsin Lighting: \$500
  - Bird Plumbing: 100
  - Oevering Construction Real Estate Inc: \$3,000
  - Total Commitments to date: \$119,576.04
16. Payment of VO#59352 through VO#59480 totaling \$258,738.61 plus electronic fund transfers of \$413,074.35 for a grand total of \$1,011,563.74
 

General Fund	\$ 867,497.17
Impact Fees Fund	19,103.19
Cemetery Fund	4,284.94
CDBG – Housing	30.00
Debt Service Fund	64,208.44
Capital Projects	19,364.20
Landfill Cleanup Fund	3,722.05
TIF District #10	1,155.00
TIF District #6	14,689.19
Storm Water Utility	15,652.19
Park Land Trust Fund	457.37
NR WI Armed Services	1,400.00

Alderman Montello moved to approve the consent agenda, seconded by Alderman Ard and carried.

### **Department Reports**

**Public Works** – Jeremiah Wendt explained that the Paperjack Drive and East Hughes Street projects have begun. The underground portion of North Starr and East Hughes will begin next week. Alderman Montello thanked the Public Works department for keeping the area watered to cut down on dust. Century Fence has started pavement markings. This project will continue over the next couple weeks with periodic lane closures over that time. Trees on the newly acquired airport property will be transplanted to Freedom Park, North Side Park and Hatfield Campground. The City is renting equipment to transplant these trees.

**Police** – Craig Yehlik, Police Chief, explained that Westconsin Credit Union has requested the civilian response to active shooter training which will be held at the New Richmond High School on June 28, 2016 at 7:00 p.m. Craig and Noah are working on a COPS grant for a school resource officer. The deadline for this grant is June 23, 2016 and it would provide \$125,000 towards the cost of the school resource officer for three years. They are also looking at hiring a community service officer to do bike patrol and help with special events this summer. Lieutenant interviews will be held this week with the Police and Fire Commission. There is one current officer position open and they are working with 4-5 candidates at this time. A training audit was completed since Craig took over as Chief. Craig found that four officers were deficient and all have completed the necessary training.

**Airport** - Mike Demulling has received DOT approval for the farm-to-table project. Mike is working on the lease which will be given to the school board for their approval on June 20, 2016. There will be a fly in this Saturday with a mini open house at the airport. The Wisconsin DOT secretary is bringing his staff to the airport on Tuesday, July 12, 2016 and the focus of the visit will be on the farm-to-table project and EPS.

### **Special Recognition – John Murtha**

Alderman Ard presented a plaque from the 50<sup>th</sup> Commemorative Committee to John Murtha for supporting our veterans and organizations, being at our events and meeting with veterans in Madison.

### **Public Hearing**

Mayor Horne declared the Public Hearing open to discuss vacating the drainage and utility easement between the lots for Taco Bell and ALDI of the Certified Survey map. There were no questions. Mayor Horne declared the Public Hearing Closed. Alderman Montello offered the following resolution and moved for its adoption:

#### **RESOLUTION#061601 FINAL RESOLUTION FOR VACATING AN EASEMENT**

WHEREAS, pursuant to Section 66.1003 of Wisconsin Statutes, the Common Council has heretofore initiated proceedings on April 11, 2016 at a meeting of the Common Council, to vacate and discontinue a drainage and utility easement described as 10.00 foot wide drainage and utility easement lying southerly and adjacent to the north line of Lot 12 as shown on St. Croix County Certified Survey Map, Volume 22, Page 5373, Document Number 846611, recorded on March 16, 2007 and depicted on Exhibit A; and

WHEREAS, a public hearing on the passage of such resolution was set by the Common Council, which hearing was scheduled for June 13<sup>th</sup>, 2016 at 7:00 p.m. in the Council Chambers, and written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon that portion thereof sought to be discontinued as provided by law; and

WHEREAS, the City Council held the public hearing pursuant to said notice at the time and place therefore affixed and all persons so served and interested were then and there given an opportunity to be heard; and

WHEREAS, the City of New recognizes that said easement no longer serves a purpose as the lot lines have changed with the new certified survey map; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Richmond that it is hereby declared that the 10 foot drainage and utility easement is hereby vacated and discontinued, provided that pursuant to Section 66.1005 Wisconsin Statutes such vacation shall not terminate the easements acquired and the rights of the public in any of the underground structures, improvements or services as enumerated or otherwise existing in said public way and in said description of lands hereinbefore described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such public way had not been vacated.

BE IT FURTHER RESOLVED that the City Clerk is directed to record in the St. Croix County Register of Deeds Office, a certified copy of this Resolution including the legal description of the vacated street, a copy of a map showing locations thereof.  
Motion was seconded by Alderman Jackson and carried.

**Public Hearing - Issuance and Sale of Revenue Refunding Bonds – Westfields Hospital Project**

Mayor Horne declared the Public Hearing open to discuss the Issuance and Sale of Revenue Refunding Bonds for the Westfields Hospital Project. Sean Lentz, from Ehlers & Associates, explained that the City will not be responsible for this bond issue. It does not count against our borrowing capacity either. They just receive a lower interest rate by going through the City for this bonding. There were no questions. Mayor Horne declared the Public Hearing closed. Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #061602  
RESOLUTION APPROVING THE ISSUANCE AND SALE OF A  
REVENUE REFUNDING BOND  
(WESTFIELDS HOSPITAL, INC. PROJECT) SERIES 2016A,  
OF THE CITY OF NEW RICHMOND, WISCONSIN, AND  
AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO  
(Complete Copy on File in the Clerk's Office)

Motion was seconded by Alderman Ard and carried.

**Resolution #061603 – Authorizing Borrowing from WPPI Energy**

Jeremiah Wendt explained that as part of the 2016 Street & Utility Improvement Projects, we are installing new energy efficient LED street lighting. The City can borrow from WPPI for this project with no interest. Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #061603  
RESOLUTION AUTHORIZING BORROWING FROM WPPI ENERGY

WHEREAS, the City of New Richmond, Wisconsin (the "Municipality") intends to install new energy efficient LED Street Lighting as part of the 2016 Street & Utility Improvement Projects (the Project");

WHEREAS, in order to fund all or a portion of the Project, the Municipality intends to borrow from WPPI Energy ("WPPI") an amount not to exceed Two hundred eighty thousand five hundred ninety two and 00/100 dollars (\$280,592.00) at an interest rate of zero percent (0%) over a ten (10) year term (the "Loan"); and

WHEREAS, the Loan will be evidenced and secured by a promissory note from the Municipality to WPPI (the "Note") and a loan agreement by and between the Municipality and WPPI (the "Loan Agreement", and together with the Note, the "Loan Documents"); and

WHEREAS, the Common Council of the City of New Richmond has determined that funding of the Project, in whole or in part, through the Loan and executing and delivering the Loan

Documents in substantially the form presented is necessary and in the best interest of the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Municipality that:

1. The Loan Documents, as presented to the Common Council of the Municipality, and all of the terms and conditions therein are hereby approved. The Mayor and City Clerk of the Municipality, or officers authorized to act in their absence, are authorized on behalf of the Municipality to execute and deliver the Loan Documents in substantially their respective forms as presented to the Common Council of the Municipality. The Mayor and City Clerk and officers authorized to act in their absence are hereby authorized to prepare or to have prepared and to execute, file and deliver, as appropriate, all such other documents, affidavits, agreements or instruments as may be deemed necessary by those officials in order to effectuate the Loan as contemplated in this Resolution.
2. This Resolution shall be effective immediately upon its adoption and approval.

Motion was seconded by Alderman Ard and carried.

**Resolution #061604 – Providing For the Sale of \$3,345,000 Water & Sewer System Revenue Bonds**

Sean Lentz, with Ehlers & Associates, explained that this bond issue will fund the water and sewer portions of the 2016 projects and also to refinance and lower the interest rate on 2007 bonds which will have a savings of \$200,000 in interest savings. The bonds will be paid back by rates and charges of the utility. Bids will be opened on July 11, 2016 and awarded that night. At this time Council approval is needed to proceed. Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #061604

RESOLUTION PROVIDING FOR THE SALE OF \$3,345,000 WATER  
AND SEWER SYSTEM REVENUE BONDS, SERIES 2016B

WHEREAS, the City Council of the City of New Richmond, Wisconsin has heretofore determined that it is necessary and expedient to issue the City's \$3,345,000 Water and Sewer System Revenue Bonds, Series 2016B(the "Bonds") to provide funds to pay for the costs of acquisitions, improvements and additions to the City's Water and Sewer System and to refinance the \$2,865,000 Water and Sewer Utility Revenue Bonds in accordance with 66.0621 Wisconsin Statutes; and

WHEREAS, the City has retained Ehlers & Associates, Inc, in Roseville, Minnesota ("Ehlers"), as its independent financial advisor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Richmond, Wisconsin, as follows:

1. Authorization: Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting: Proposal Opening. The City Council shall meet at 7:00 p.m. on July 11, 2016 for the purpose of considering proposals for and awarding sale of the Bonds.
3. Request for Proposal. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an Official Statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Motion was seconded by Alderman Ard and carried.

**Resolution #061605 – Providing for the Sale of \$4,640,000 General Obligation Corporate Purpose Bonds**

Sean Lentz explained that these bonds will pay for street projects, storm water projects, a TIF#6 project and refund a 2015 State Trust Fund Loan. Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #061605

RESOLUTION PROVIDING FOR THE SALE OF  
\$4,640,000 GENERAL OBLIGATION CORPORATE

## PURPOSE BONDS, SERIES 2016A

WHEREAS, the City Council of the City of New Richmond, Wisconsin has heretofore determined that it is necessary and expedient to issue the City's \$4,640,000 General Obligation Corporate Purpose Bonds, Series 2016A (the "Bonds") to provide funds to pay for the costs of Street Improvements, Storm Water Improvements, Sidewalk projects, Tax Increment District No. 6 projects, and the refinancing of the 2015 State Trust Fund Loan (balloon extension) in accordance with 67.04 Wisconsin Statutes; and

WHEREAS, the City has retained Ehlers & Associates, Inc, in Roseville, Minnesota ("Ehlers"), as its independent financial advisor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Richmond, Wisconsin, as follows:

1. Authorization; Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:00 p.m. on July 11, 2016 for the purpose of considering proposals for and awarding sale of the Bonds.
3. Request for Proposal. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an Official Statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Motion was seconded by Alderman Ard and carried.

### **Dorset Lane**

Jeremiah Wendt explained that he is proposing to extend Dorset Lane. The City would also finish construction of the access drive in this area as a City Street. The construction would be in conjunction with the retail development in this area which is expected to conclude this fall. We will need to acquire road right-of-way from St. Croix County along the west lot line. City and County staff have met to discuss this idea and developed a concept plan for review by City Council and the County Administration Committee. Alderman Montello moved to proceed with the concept as presented pending final approval from the County, seconded by Alderman Ard and carried.

### **Federal Foam – Paperjack Drive Appraisal & Offering Price Report**

Jeremiah Wendt explained that the acquisition company recommended a full appraisal of this property and from that appraisal came up with a figure of \$12,700 for the permanent easement for sidewalk and a temporary construction easement. Alderman Ard moved to proceed, seconded by Alderman Montello and carried.

### **140<sup>th</sup> Street Trail Construction**

Jeremiah Wendt stated that Richmond Township, the Pathways Committee, WIDNR and City have worked together on the planning to construct a segment of trail on 140<sup>th</sup> Street that will connect the City's existing trail segments between Richmond Way and Paperjack Drive. Construction will begin in June and finish in July.

### **Ag Ordinance**

Jeremiah Wendt explained that some changes were made to the proposed ordinance following the first reading at the Work Session on May 23, 2016. Considerable discussion followed. Alderman Montello moved to suspend the rules and adopt Ordinance #484, seconded by Alderman Ard and carried.

### **Sewer Ordinance Changes**

Jeremiah Wendt stated that proposed ordinance changes are necessary to define a sanitary sewer service and clarify that the property served owns the sewer lateral to the center of the sewer main; to expand the City's ability to require a monitoring manhole as part of a development project; and

clarify the discharge volume that would require a user to obtain a permit from the City. Staff and the Utility Commission recommend approval of this ordinance. Alderman Montello moved to suspend the rules and adopt ordinance #485, seconded by Alderman Ard and carried.

**New Richmond School District – Commons Property Agreement**

Mike Darrow and Nick Vivian have been working with Patrick Olson from the School District on this agreement. Considerable discussion followed. The City will develop a master plan by the end of the year and the school will need to approve the master plan. Once the master plan is approved, the demolition can begin. The School District has requested that the site be redeveloped as identified in the approved Master Plan within five years from the date on which the property is transferred. Alderman Montello moved to approve the agreement, with the inclusion of language stating that in the event that the City is required to convey the property back to the District, the property's zoning classification will be returned to the classification in effect on the effective date, seconded by Alderman Kittel and carried. Alderman Ard voted no.

**Communications and Miscellaneous**

Alderman Ard stated that June is dairy month, so go out to celebrate. Also, Fun Fest is in two weeks, please consider getting involved and volunteering at this event.

**Council Work Session on June 27, 2016 at 5:30 p.m.**

**Closed Session**

Alderman Ard moved to go into Closed Session per State Statute 19.85 (1)(g) to discuss Slocum Litigation Recap and Dionisopoulos Litigation, seconded by Alderman Jackson and carried. Alderman Volkert voted no.

**Open Session**

Alderman Ard moved to proceed with option two for the Dionisopoulos litigation, seconded by Alderman Jackson and carried. Alderman Montello voted no.

Alderman Ard moved to adjourn the meeting, seconded by Alderman Montello and carried.

Meeting adjourned at 9:26 p.m.

Tanya Reigel  
City Clerk